

REMARKS

This communication is in response to the Office Action mailed August 13, 2008. Applicant has made no amendments in responding to the Office Action.

The Office Action reports that claims 1, 15 and 29 are rejected under 35 USC § 103(a) as being unpatentable over Albayrak et al. in view of White et al. Applicant respectfully submits that amended claims 1, 15 and 29 are allowable over the cited combination.

From a review of the reasons stated in the rejection it appears clear that the Office has taken an impermissibly overly broad interpretation of what is meant by controls as used in each of the claims and further that recitation of “each of the controls having attributes to indicate whether the associated control is available for activation” is also being interpreted overly broad.

Claim 1 previously was amended to recite that an authoring page is present to define the dialog of the website and that “the controls are arranged in a hierarchical structure and repeatedly used with attributes having different values in order to define the dialog”. In addition claim 1 recites a module to generate markup based on the controls; however, now this was previously clarified to specifically recite that the module uses the attributes provided directly from the controls in the authoring page which and when executed on the server, generates client side markup based on the dialog as a function of which controls are activated.

The Office Action alleges that Albayrak discloses, among other things, that the hierarchical structure for the controls at col. 10, lines 25-44 which are reproduced below.

The grammar files 270 each contain a set of syntax statements, collectively called a grammar, that are specific to a particular application. A grammar is represented by a set of syntax statements conceptually like:

YesNoPhrase = {YesList} or {NoList}
and
5DigitPhrase = {digit} {digit} {digit} {digit} {digit}

although the exact form of the syntax statements will vary from one embodiment to another. During execution of an application, if any legal phrase is recognized by the speech recognition engine of a portable client, the speech recognition engine returns

the phrase name and the specific words or phrase (from which the words can be extracted); if no phrase is recognized in the words spoken by the user, that information is passed back to the application (running in or in conjunction with the server).

This passage does not disclose hierarchical controls as claimed. Rather, the passage merely describes a grammar. A grammar is not a hierarchical control as claimed. Therefore, Albayrak does not disclose or render obvious the claimed hierarchical structure. White does not cure the deficiencies of Albayrak, therefore claim 1 is patentable over the combination of Albayrak and White.

With respect to the claimed language of a module using the attributes provided directly from the controls in the authoring page and when executed on the server, generates client side markup based on the dialog as a function of which controls are activated, Applicant submits that this claim element is neither taught or suggested by the combinaiton of Albayrak and White. The Office Action alleges that this claim element is taught at col. 8, lines 1-28, col. 9, lines 12-60 and col. 11, lines 21-29.

VoiceXML pages 250, some of which are pre-composed and others of which are generated by the SHIM 242 from one of a set of VoiceXML templates 252 and parameters received from the application 246;

VoiceXML templates 252, each of which is a document written in the VoiceXML language that describes an application-specific verbal dialog between the portable client and its user; and

system configuration data 260, including: user identification data 262 associated with the users of the portable clients; client configuration data 264 concerning the location, the battery state, the VoiceXML page currently loaded in the client, and so on; server configuration data 266 concerning the state of various resources and programs in the server; users' voice files 268 which are the files used by the speech recognition engines in the portable clients to recognize words spoken by the users; and grammar files 270, which are used by the VoiceXML browser in the clients to map words spoken by a user to a legal response expected by the application that is controlling the operation of the system (and to filter out words that are not included in any of the defined legal responses);

a system monitoring database 272 for storing system status and monitoring data collected by the system monitoring procedure 240;

as well as other programs and data files not relevant to the present discussion.

Col. 8, lines 1-28

Each VoiceXML template 252 is a document written in the VoiceXML language that describes an application-specific verbal dialog between the portable client and the user. A VoiceXML template differs from other VoiceXML documents in that it includes macros. For a particular situation and task, the SHIM provides values for the macro variables. Different templates provide dialog structures for different applications such as picking, returns processing and inspection.

Examples of macro definitions are:

```
#define MACRO_SERVER_HTTPIP "&server_httpip;"  
#define MACRO_WMS_LOCATION "&wms_location;"
```

where the SHIM 242 would provide values for the parameters &server_httpip and &wms_location. The parameter &server_httpip refers to the IP address of the HTTP server 234, and the parameter &wms_location refers to the location where the user should go to pick the next set of items. For example, the values for the parameters &server_httpip and &wms_location might be 207.60.130.144 and 32456, respectively.

An example of a VoiceXML template is:

```
<?xml version="1.0"?>  
<!DOCTYPE vxml SYSTEM "&file_dtd;">  
<vxml application="http://&server_httpip/cgi_bin/Startup">  
<block>  
<assign name = "LOCATION" expr="`&wms_location;`"/>  
</block>  
</vxml>
```

where, in addition to the macro parameters described above, &file_dtd refers to the Document Type Definition (DTD) file associated with the VoiceXML document for this application. The DTD file describes in a standardized way the VoiceXML document's hierarchy (e.g., UserID and Gender within the Config block), required tags (e.g., UserID and Gender) and any optional tags.

Col. 9, lines 12-51

The Application Socket SHIM connects to the application server (322) and waits to receive application- and task-specific data from it (330). This data is specific to both

the application and the specific task at hand, for example, picking up goods to fill specific customer orders. Upon receiving the data, the Application Socket SHIM inserts the data into the Application VoiceXML template and sends the resulting Application VoiceXML page to the voice browser (332).

Col. 11, lines 22-29.

Applicant submits that the cited passages from Albayrak merely discloses the utilization of preexisting templates and does not generate client side markup based on the dialog as a function of which controls are activated as claimed. White does not cure the deficiencies of Albayrak, therefore claim 1 is patentable over the combination of Albayrak and White.

Claim 15 also recites the use of an authoring page, but does not recite that the controls are in a hierarchical structure. In addition, though it also specifically recites specific attributes for recognition and audible prompting and that the controls are repeatedly used with different values.

Finally, claim 29 has been amended to include all of the afore-mentioned features.

It is respectfully believed that each of the independent claims provide features that are not disclosed, suggested or rendered obvious. Reconsideration and allowance of claims 1, 15 and 29 are respectfully requested.

The Office Action also rejected each of the dependent claims. Applicant respectfully submits that dependent claims 2-9, 11-14, 16-23, 25, 27, 28 and 30-34 are allowable at least due to the fact that these dependent claims further define the already allowable subject matter of independent claims 1, 15 and 29. Therefore, at least due to their dependency upon independent claims 1, 15 and 29, Applicant respectfully submits that dependent claims 2-9, 11-14, 16-23, 25, 27, 28 and 30-34 are also in allowable form. Reconsideration and allowance of claims 2-9, 11-14, 16-23, 25, 27, 28 and 30-34 are respectfully requested.

The foregoing remarks are intended to assist the Office in examining the application and in the course of explanation may employ shortened or more specific or variant descriptions of some of the claim language. Such descriptions are not intended to limit the scope of the claims; the actual claim language should be considered in each case. Furthermore, the remarks are not to be considered exhaustive of the facets of the invention which are rendered patentable, being only examples of certain advantageous features and differences, which

applicant's attorney chooses to mention at this time. For the foregoing reasons, applicant reserves the right to submit additional evidence showing the distinction between applicant's invention to be unobvious in view of the prior art.

Furthermore, in commenting on the references and in order to facilitate a better understanding of the differences that are expressed in the claims, certain details of distinction between the same and the present invention have been mentioned, even though such differences do not appear in all of the claims. It is not intended by mentioning any such unclaimed distinctions to create any implied limitations in the claims.

For the foregoing reasons, Applicant submits that the present application is in allowable form. Allowance of the present application is respectfully requested.

The Director is authorized to charge any fee deficiency required by this paper or credit any overpayment to Deposit Account No. 23-1123.

Respectfully submitted,

WESTMAN, CHAMPLIN & KELLY, P.A.

By: /Peter J. Ims/
Peter J. Ims, Reg. No. 48,774
900 Second Avenue South, Suite 1400
Minneapolis, Minnesota 55402-3244
Phone: (612) 334-3222 Fax: (612)334-3312

PJI/mek